THE HONORABLE THOMAS O. RICE 1 Michael C. Subit 2 Ellicott K. Dandy Frank Freed Subit & Thomas LLP 3 705 2nd Avenue, Suite 1200 4 Seattle, WA 98104 Ph: (206) 682-6711 5 6 7 8 9 10 11 IN THE UNITED STATES DISTRICT COURT 12 FOR THE EASTERN DISTRICT OF WASHINGTON 13 ARNAUD WEBER, 14 15 Plaintiff, Case No. 2-23-cy-00233-TOR 16 **DECLARATION OF** v. 17 MICHAEL C. SUBIT IN X CORP., ELON MUSK, LINDA SUPPORT OF PLAINTIFF'S 18 YACCARINO, and DOES III-V, RESPONSE TO DEFENDANT 19 X CORP.'S MOTION TO Defendants. **COMPEL ARBITRATION** 20 21 22 23 24 25 26 FRANK FREED **SUBIT & THOMAS LLP** DECLARATION OF MICHAEL SUBIT 27 Suite 1200 Hoge Building, 705 Second Avenue Seattle, Washington 98104-1798 IN SUPPORT OF PLAINTIFF'S RESPONSE TO DEFENDANT X CORP.'S MOTION (206) 682-6711 TO COMPEL ARBITRATION - 1

Case No. 2-23-cv-00233-TOR

25

26

27

I, Michael C. Subit, declare a follows:

- 1. I am a partner at Frank Freed Subit & Thomas LLP and counsel for Plaintiff Arnaud Weber. I am over eighteen years of age, make this declaration based on personal knowledge, and am competent to testify regarding the following facts.
- 2. Attached as Exhibit A is a true and correct copy of the Cash Award Offer sent by Twitter's Chief People and Diversity Officer Dalana Brand on July 1, 2022.
- 3. Attached as Exhibit B is a true and correct copy of the Arbitration

 Demand I sent via certified mail on behalf of Mr. Weber to Twitter's Legal

 Department on April 10, 2023.
 - 4. I did not receive any response to this Arbitration Demand.
- 5. Attached as Exhibit C is a true and correct copy of the Demand Letter I sent via certified mail on behalf of Mr. Weber to then-Chief Executive Officer of Twitter, now X Corp., Linda Yaccarino, on June 8, 2023.
 - 6. I did not receive a response to the Demand Letter to Ms. Yaccarino.
- 7. Attached as Exhibit D is a true and correct copy of the class action complaint in *Woodfield v. Twitter, Inc., et al.*, C.A. No. 1:23-cv-00780-UNA (D. Del. 2023) (ECF No. 1).

DECLARATION OF MICHAEL SUBIT IN SUPPORT OF PLAINTIFF'S RESPONSE TO DEFENDANT X CORP.'S MOTION TO COMPEL ARBITRATION - 2 Case No. 2-23-cv-00233-TOR FRANK FREED SUBIT & THOMAS LLP Suite 1200 Hoge Building, 705 Second Avenue Seattle, Washington 98104-1798 (206) 682-6711

- 8. Attached as Exhibit E is a true and correct copy of ECF No. 1-4 from the docket in *Ma v. Twitter, Inc., et al.*, Case No. 3:23-cv-3301 (N.D. Cal. 2023).
- 9. Attached as Exhibit F is a true and correct copy of ECF 1-5 from the docket in *Ma v. Twitter, Inc., et al.*, Case No. 3:23-cv-3301 (N.D. Cal. 2023).
- 10. Attached as Exhibit G is a true and correct copy of the Petition to Compel Arbitration in *Ma v. Twitter, Inc., et al.*, Case No. 3:23-cv-3301 (N.D. Cal. 2023) (ECF No. 1).

I declare under the penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct to the best of my knowledge.

Signed this 5th day of December 2023.

By: <u>s/Michael C. Subit</u>
Michael C. Subit, WSBA No. 29189

DECLARATION OF MICHAEL SUBIT IN SUPPORT OF PLAINTIFF'S RESPONSE TO DEFENDANT X CORP.'S MOTION TO COMPEL ARBITRATION - 3 Case No. 2-23-cv-00233-TOR FRANK FREED SUBIT & THOMAS LLP Suite 1200 Hoge Building, 705 Second Avenue Seattle, Washington 98104-1798 (206) 682-6711